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Edwards Vacuum, Inc.
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SANTA CLARA, CA 95054

EXAMINER

EASTMAN, AARON ROBERT

ART UNIT	PAPER NUMBER
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3745

NOTIFICATION DATE	DELIVERY MODE
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03/23/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LORETTA.SANDOVAL@EDWARDSVACUUM.COM

Office Action Summary	Application No. 10/572,889	Applicant(s) STONES ET AL.	
	Examiner Aaron R. Eastman	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 and 37-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-34 and 37-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In response to the claim objections put forth by Examiner in the Office Action dated May 14, 2009, Applicants state "Claims 34 and 35 are objected to as being substantial supplicates of claims 6 and 7. Applicants believe that Examiner meant to say claim 36 instead of claim 34, and would appreciate Examiner's correction if it is not the case." This, in fact, is not the case. Examiner wishes to direct Applicants' attention to claims 6 and 34 as presented by Applicants in the Amendment dated October 14, 2009 and which are presented in their entirety below:

6. (Previously Presented) The pump according to claim 1 wherein the depth of the groove at the inlet side of the rotor is greater than the depth of the groove at the inlet side of the stator.

34. (Previously Presented) The pump according to claim 1 wherein the depth of the groove at the inlet side of the rotor is greater than the depth of the groove at the inlet side of the stator.

It is clear to Examiner that claims 6 and 34 are substantial supplicates of one another, this is not the case for claims 6 and 36 (claim 36 is presented in its entirety below).

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36. (Cancelled) The pump according to claim 1 wherein the second pumping section comprises said rotor.

2. Applicant's arguments filed October 14, 2009 have been fully considered but they are not persuasive. Applicants argue that "Replacing Leyshon's second pumping section 7 with Mühlhoff's friction pump 35 would result in a smaller gas flow space, because the conical shaft would crowd out the space that otherwise could be utilized by rotor blades." Examiner disagrees in that the combination suggested by Applicants of replacing Leyshon's second pumping section 7 with Mühlhoff's friction pump 35 is not the combination made by Examiner. As pointed out in the rejection below, the combination made by Examiner is to modify the apparatus of Leyshon by adding a helical groove formed in a rotor thereof after the first pumping section as taught in Mühlhoff et al. for the purposes of achieving further influence over the pressure behavior of the pump. This is different from replacing Leyshon's second pumping section 7 with Mühlhoff's friction pump 35 and does not reduce the space utilized by rotor blades as Applicants suggest.

Claim Objections

3. Applicant is advised that should claim 6 be found allowable, claim 34 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0919726 A1 (Leyshon hereinafter) in view of USP 5,553,998 (Mühlhoff et al. hereinafter).

6. In re claim 1 Leyshon discloses a vacuum pump comprising a first pumping section (6), a second pumping section (7) downstream from the first pumping section (6), a third pumping section (17-20) downstream from the second pumping section (7), a first pump inlet (10) through which fluid can enter the pump and pass through each of the pumping sections towards a pump outlet (22), and a second pump inlet (16) through which fluid can enter the pump and pass through only the second (7) and the third (17-20) pumping sections towards the outlet (22), wherein the third pumping section comprises a helical groove formed in a stator (19, 20) thereof.

7. Leyshon does not disclose at least one of the first and second pumping sections comprises a helical groove formed in a rotor thereof.

8. Mühlhoff et al. teaches helical groove formed in a rotor thereof (Fig. 4) as part of a vacuum pump assembly.

9. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Leyshon by adding a helical groove

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formed in a rotor thereof after the first pumping section (placing the helical groove formed in a rotor thereof downstream of the first pumping section (6) and upstream of the second pumping section (7)) as taught in Mühlhoff et al. for the purposes of achieving further influence over the pressure behavior of the pump (col. 2 lines 1-8 of Mühlhoff et al.).

10. In re claim 2 the Leyshon modification in re claim 1 discloses the pump according to claim 1, wherein the depth of the helical groove on the rotor varies from the inlet side thereof to the outlet side thereof (col. 1 lines 63-65 of Mühlhoff et al.).

11. In re claim 3 the Leyshon modification in re claim 1 discloses the pump according to claim 2, wherein the depth of the helical groove on the rotor decreases from the inlet side thereof to the outlet side thereof (col. 1 lines 63-65 of Mühlhoff et al.).

12. In re claim 4 the Leyshon modification in re claim 1 discloses the pump according to claim 3, wherein the inclination of the helical groove on the rotor varies from the inlet side thereof to the outlet side thereof (col. 1 lines 63-65 of Mühlhoff et al.).

13. In re claim 5 the Leyshon modification in re claim 1 discloses the pump according to claim 4, wherein the inclination of the helical groove on the rotor decreases from the inlet side thereof to the outlet side thereof (col. 1 lines 63-65 of Mühlhoff et al.).

14. In re claims 6 and 34 the Leyshon modification in re claim 1 teaches the pump according to claim 1 but does not explicitly teach that the depth of the groove at the inlet side of the rotor is greater than the depth of the groove at the inlet side of the stator.

One of ordinary skill in the vacuum pump art would have known that in the construction of a vacuum pump with multiple stages it is important to, when appropriate, reduce

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volume in the direction of flow so as to not lose vacuum pressure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the pump of the Leyshon modification in re claim 1 by making the depth of the groove at the inlet side of the rotor greater than the depth of the groove at the inlet side of the stator as an engineering expedient since it provides a way to maintain desired pressures.

15. In re claim 7 the Leyshon modification in re claim 1 discloses the pump according to claim 1, wherein said one of the first and second pumping sections comprises at least one turbo-molecular stage (7) downstream from said rotor.

16. In re claim 8 the Leyshon modification in re claim 1 discloses the pump according to claim 5, wherein the second pumping section comprises said rotor.

17. In re claim 9 the Leyshon modification in re claim 1 discloses the pump according to claim 8, wherein the first pumping section (6) comprises at least one turbo-molecular stage.

18. In re claim 10 the Leyshon modification in re claim 1 discloses the pump according to claim 9, wherein the turbo-molecular stage of the first pumping section is arranged such that, in use, molecules of fluid entering the helical groove on the rotor are emitted from the surface of a stator (9) thereof.

19. In re claim 11 the Leyshon modification in re claim 1 discloses the pump according to claim 9, wherein the first pumping section comprises at least three turbo-molecular stages (paragraph [0020]).

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20. In re claim 12 the Leyshon modification in re claim 1 discloses the pump according to claim 10, wherein both the first (6) and second (7) pumping sections are axially displaced relative to the first (10) and second (16) inlets.

21. In re claim 13 the Leyshon modification in re claim 1 discloses the pump according to claim 12, wherein one of the first and second (16) inlets extends at least partially around the rotor.

22. In re claims 31-33 and 37-41, in that claims 31-33 and 37-41 are substantially the same as claims 3-5 and 9-13 (respectively), claims 31-33 and 37-41 are similarly rejected.

23. In re claims 42 and 43, in that claims 42 and 43 are substantially the same as claims 12 and 13 (respectively), claims 42 and 43 are similarly rejected.

24. In re claim 52 the Leyshon modification in re claim 1 discloses a differentially pumped vacuum system comprising two chambers and further comprising a pump according to claim 1 for evacuating each of the chambers.

25. In re claim 14 the Leyshon modification in re claim 1 discloses a vacuum pump comprising a first pumping section (6) and, downstream therefrom, a second pumping section (6), a first pump inlet (10) through which fluid can enter the pump and pass through both the first pumping section (6) and the second pumping section (7) towards a pump outlet (22), and a second pump inlet (16) through which fluid can enter the pump and pass through, of said sections, only the second pumping section (7) towards the outlet (22), wherein one of the first and second pumping sections comprises an

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externally threaded rotor (Fig. 4 of Mühlhoff et al.) and one of the first and second (16) pump inlets extends at least partially about the externally threaded rotor.

26. In re claim 15 the Leyshon modification in re claim 1 discloses the pump according to claim 14, wherein the externally threaded rotor comprises a helical groove.

27. In re claims 16-20, 48 and 49 in that claims 16-20, 48 and 49 are substantially the same as claims 2-5, 7, 9 and 10 (respectively), claims 16-20, 48 and 49 are similarly rejected.

28. In re claim 47 the Leyshon modification in re claim 1 discloses the pump according to claim 20 wherein the second pumping section comprises said externally threaded rotor, the second inlet (16) extending at least partially around the rotor.

29. In re claim 51 the Leyshon modification in re claim 1 discloses the pump according to claim 20 comprising at least one additional pumping (17-20) section downstream from the first (6) and second (7) pumping sections for receiving fluid therefrom and outputting fluid towards the outlet (22).

30. In re claims 21-24 in that claims 21-24 are substantially the same as claims 47, 9, 11 and 10 (respectively), claims 21-24 are similarly rejected.

31. In re claims 25, 44 and 45 in that claims 25, 44 and 45 are substantially the same as claim 51, claims 25, 44 and 45 are similarly rejected.

32. In re claim 26 the Leyshon modification in re claim 1 discloses the pump according to claim 25, wherein said at least one additional pumping section comprises a molecular drag stage (17-20).

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33. In re claims 46 and 27 in that claims 46 and 27 are substantially the same as claims 26 and 52 (respectively), claims 46 and 27 are similarly rejected.

34. In re claim 28 the Leyshon modification in re claim 1 discloses the pump according to claim 27, wherein one of the pumping sections arranged to pump fluid from a chamber in which a pressure of above 10^{-3} mbar is to be generated (col. 1 lines 29-35 of Mühlhoff et al.) comprises an externally threaded rotor.

35. In re claim 30 the Leyshon modification in re claim 1 discloses the pump according to claim wherein at least one of the pumping stages arranged to pump fluid from a chamber in which a pressure of above 5×10^{-3} mbar is to be generated (col. 1 lines 29-35 of Mühlhoff et al.) comprises an externally threaded rotor.

36. In re claim 29 the Leyshon modification in re claim 1 discloses the pump according to claim 27 wherein at least one of the pumping stages arranged to pump fluid from a chamber in which a pressure of above 5×10^{-3} mbar is to be generated (col. 1 lines 29-35 of Mühlhoff et al.) comprises an externally threaded rotor.

Conclusion

37. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron R. Eastman whose telephone number is (571)270-3132. The examiner can normally be reached on Mon-Thu 9:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron R. Eastman/
Examiner, Art Unit 3745

/Edward K. Look/

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Supervisory Patent Examiner, Art Unit 3745